

REMARKS

This application was originally filed on 21 June 2001 with forty two claims, four of which were written in independent form. Claims 1, 10, 18, 29, 32, 33, and 35 were amended on 2 September 2003. No claims have been allowed.

Claims 1-42 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, independent claims 1, 10, 18, and 29 contain the limitation "in sufficient quantity to prevent movement of said micromechanical device." Claims 1, 10, 18, and 29 have been amended to overcome this objection. The claims now recite, "in sufficient quantity to substantially encapsulate said micromechanical device" or in the case of Claim 29, "in sufficient quantity to substantially encapsulate said moveable structures." Support for this amendment is found on line 1 of page 8, lines 16-19 of page 12, and in Figure 5. Figure 5 shows a cross-section of an encapsulated device. The recoat layer of Figure 5 encapsulates the micromirrors and also bridges between the micromirrors to prevent their movement.

The Examiner stated, "if the new limitation discussed above is removed from independent claims 1, 10, 18, and 29, the 35 U.S.C. § 103(a) rejections of Wallace et al. will be re-applied. The applicant respectfully submits that the current wording of the independent claims distinguishes over Wallace et al. Wallace et al. teaches a film having a thickness "in the range of approximately 5 angstroms to approximately 100 angstroms." Thus, the film of Wallace et al. cannot be deemed to show, teach, or suggest a coating that substantially encapsulates a device as presently claimed.

In view of the amendments and the remarks presented herewith, it is believed that the

claims currently in the application accord with the requirements of 35 U.S.C. § 112 and are allowable over the prior art of record. Therefore, it is urged that the present claims are in condition for allowance. Reconsideration of the present application is respectfully requested.

Respectfully submitted,



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